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THE SUQUAMISH TRIBE

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January 5, 2017

RDML Gary Mayes
Commander, Navy Region Northwest
1100 Hunley Road
Silverdale, WA 98315

Captain E Alan Schrader
Naval Base Kitsap
120 South Dewey St.
Bremerton, WA 99314-5020

RE: In-Water Hull Cleaning the Inactive Carrier Ex-Independence (CV 62)

Dear Admiral Mayes and Captain Schrader:

The Suquamish Tribe was first notified by the National Marine Fisheries Service (NMFS) on June 24, 2016 of the Navy's proposed action to clean the hull of the inactive carrier Ex-Independence within Sinclair Inlet at Naval Base Kitsap, Bremerton, Washington where she has been berthed for 19 years (since 1998). The Tribe understands that the Navy intends to begin hull cleaning as soon as possible. The Tribe's concerns have not been addressed or resolved.

The Ex-Independence is approximately 1,070 feet long with a 270-foot-wide flight deck. In-water cleaning of the ex-Independence hull and underwater components in Sinclair Inlet is intended to minimize the transport of invasive species to the Gulf of Mexico. The Navy intends to clean the hull in-water using rotary brushes and high-pressure jets without containing waste debris including anti-fouling bottom paint and marine growth that would be discharged to the water column and sediment. After the hull is cleaned the Navy intends to tow the Ex-Independence to a dismantling facility in Brownsville, Texas.

Sinclair Inlet is within the exclusive adjudicated Usual and Accustomed treaty-reserved fishing area of the Suquamish Tribe. This proposed Navy action will be conducted within a designated Superfund Site, the Puget Sound Naval Shipyard Complex. The Tribe has been an active participant in the Superfund process for over two decades where contamination issues include but are not limited to PCBs and mercury. Further, Sinclair Inlet is a Clean Water Act 303(d) impaired waterbody for copper and other contaminants.

On October 28, 2016, the Tribe raised concerns about the Navy's proposed action in relation to potential impacts to reserved treaty fishery resources in a government-to-government meeting with the Navy. The Tribe's concerns include: (1) the risk of toxics discharged to sediment and in the water

column; (2) the high volume of material that is estimated to be deposited that may range from 490 to 730 cubic yards (or 49 to 73 dump truck loads); and (3) the need to identify the means to contain and properly dispose of the waste material rather than discharging contaminated waste material directly in Sinclair Inlet. Pre-1986 anti-fouling paints used by the Navy have been documented to contain PCBs, mercury, and other constituents. The Navy repainted the hull in 1986 using anti-fouling paints containing copper and zinc. The area of influence tied to the proposed hull cleaning, as modeled by the Navy, completely overlaps where the Tribe has fished since time immemorial and where it currently exercises treaty-reserved fishing rights.

Since October 2016, Tribal staff have been communicating to naval staff requests for additional clarification and to schedule a government-to-government meeting with the Navy to further discuss the Tribe's concerns. The Tribe is also in consultation with other federal agencies concerning the regulatory requirements and we are waiting for further response that may require government-to-government meetings. Yesterday, the Navy provided the Tribe hull debris sampling results that we are currently evaluating. The Tribe urges the Navy to not commence hull cleaning activities until further consultation with the Tribe to address these issues and resolve outstanding issues.

Equally important, the Navy and NMFS are also engaged in programmatic consultation that considers the Navy's Inactive Ship Tow Program as a whole that will tow inactive Navy vessels from ports around the country for dismantling. The hull cleaning for the Ex-Independence is inconsistent with federal and state requirements to protect water quality and sediment quality and to avoid recontamination at an active Superfund site. Finally, the lack of timely consultation with the Tribe and the Navy's proposed action as planned fails to uphold the Navy's trust responsibility to the Tribe to protect its treaty-reserved rights in Sinclair Inlet from further degradation. Please contact me at your convenience to further discuss the above issues and find a resolution.

Sincerely,



Leonard Forsman, Chairman
Suquamish Tribe

cc: Dennis McLerran, USEPA Regional Administrator, Region 10
Barry Thom, NOAA Fisheries, Regional Administrator, West Coast Region
Colonel John Buck, Seattle District Commander, Army Corps of Engineers
Maia Bellon, Director, Washington Department of Ecology